

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:08-CV-455-D(1)

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|----------------------------------|---|--------------|
| JEROY FAIRCLOTH,                 | ) |              |
|                                  | ) |              |
| Plaintiff,                       | ) |              |
|                                  | ) |              |
| v.                               | ) | <b>ORDER</b> |
|                                  | ) |              |
| MICHAEL J. ASTRUE,               | ) |              |
| Commissioner of Social Security, | ) |              |
|                                  | ) |              |
| Defendant.                       | ) |              |

On June 17, 2009, Magistrate Judge Gates issued a Memorandum and Recommendation ("M&R"). In that M&R, Judge Gates recommended that plaintiff's motion for judgment on the pleadings be denied, defendant's motion for judgment on the pleadings be granted, and defendant's final decision denying the request for benefits be affirmed. No objections to the M&R have been filed.


"The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection is made." Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quotation omitted, emphasis removed & alteration in original). Absent a timely objection, "a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Id. (quotation omitted).

The court has reviewed the M&R, the record, and the briefs. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court accepts the M&R. Plaintiff's

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motion for judgment on the pleadings is DENIED, defendant's motion for judgment on the pleadings is GRANTED, the final decision by defendant is AFFIRMED, and this matter is DISMISSED. The Clerk is directed to close the case.

SO ORDERED. This 20 day of July 2009.

  
JAMES C. DEVER III  
United States District Judge